**CH I L M A R K B O A R D O F H E A L T H**

**Minutes**

 **May 3, 2023**

**5:00 pm / in-person meeting**

**Chilmark Town Hall**

1. **Middle Road**

**Present:** Katherine L. Carroll, Matthew Poole, Janet L. Buhrman, Anna McCaffrey, Reid Silva, Chris Alley, Dan Perry, Kate Shands, Deborah Hancock, Elliott Fankuchen, Joe Mulinare, Judie Flanders, Graeme Flanders, Chris Glionna, Jen Maxner

**April 19th, 2023 Draft Minutes were approved** with minor correctionsby the Board

**20 Chappaquoit Rd (24-211)** – Dan Perry requested the Board to review a possibility of using a second well on a neighboring lot (with the same owner) for irrigation. He explained, that the current well, located on 0 Chappaquoit Rd (24-210), got clogged up last summer and had to be re-developed. Per Island Water Source, it likely will happen every 5 years due to irrigation use that draws in the fine particles and clogs up the well. The owner purchased the neighboring unbuildable lot at 6 Yardarm Rd. (24-213) three years ago. This lot already has an existing approved well at approximately 89` to the nearest septic. The owner would like to use this well for irrigation on 20 Chappaquoit. The Board typically does not approve second wells to support one property. The existing well on 6 Yardarm did not appear on locus for 20 Chappaquoit Rd. Katherine Carroll expressed that she was not comfortable with permitting the second supply well for irrigation, especially considering that would be the second well off the subject lot. Matt Poole was not comfortable with approving this concept either but encouraged Dan to come back with the detailed write up of the square ft. of managed turf and the actual water needs. Jan Buhrman expressed that was not in favor of the proposal. Katherine Carroll also added that she would consider this proposal again if three lots were held together in perpetuity.

**45 Tilton Rd. (4-16) (SB&H)** – The Board approved the proposed replacement (a new H-20) & relocation of existing 1500-gallon primary septic tank with a new to allow dwelling replacement; 4-10-23 plans voided.

**Continued Public Hearing Quitsa Nominee Trust, Off Chockers Lane (33-8)** (VLS) Multiple variances request (3) for a proposed septic system for a proposed 3-bedroom dwelling. Reid Silva provided the Martha’s Vineyard Commission WQ policy to the Board as well as allowable (recommended in this case) calculations of nitrogen load kg per year in proportion to the dry land area on this property. The Board determined the need to consult with Town Council on whether the Board could consider granting the septic to septic separation variance at 66`, with 300` required and minimum 200` for a new construction.

During this public hearing, a letter from a legal counsel came up in a separate file 6 Yardarm Ln. (24-213) that described somewhat similar situation. The letter from town counsel, dated 04-01-2008, is the response to the request from the Board for an opinion. The Board asked "whether it may reduce the separation distance between on-site sanitary disposal systems in the Inland Zone of the Coastal District (The "Inland Zone" ) from 300` to 200` by variance at 6 Yardarm Ln. (24-213) after public hearing. The opinion provided in the letter states: "The Board has the authority to do so if the applicant: 1.) proves to the Board's satisfaction that there will be no pollution to ground or surface water, domestic water supply or fisheries; and 2.) meets the other criteria for variances set out in Section 3.20 of the 2004 Regulations". The eight page letter contained a comprehensive analysis and a recommendation of minimum 200` separation to be included in the Regulations.

Section 3.04(2) in the Chilmark Board of Health Regulation states the board “may vary any section of its regulations to the standards set forth in Title 5.” However, section 3.07 (4) (a) references the 300` separation requirement and notes “…The Board may permit in particular cases, lesser separations by variance under section 3.05 of these regulations, after public hearing; provided however, that there shall be a minimum separation of 200` and the applicant must prove to the Board’s satisfaction that there will be no pollution of ground or surface waters, domestic water supply or fisheries.”

The Board scheduled to have the Public Hearing continued on May 17, 2023 at 5:15 pm.

**4 Quitsa Lane (33-70)** (VLS) – The Board approved the proposed septic tie-in for a re-built 6-bedroom house and 2-bedroom above the garage with the addition of the tank and the pump chamber conditionally: If two detached bedrooms morphs into a guest house this plan must come back to the Board meeting showing two systems in full compliance.

**61 North Rd (3-5)** (VLS) – The Board approved proposed septic system for an existing 5-bedroom house with future 3 -bedroom addition with the condition\* Engineer to confirm soils at the time of the installation.

**7 High Meadow (7-21.5)** (VLS) – The Board approved proposed 1-bedroom garage septic tie-in with the proposed sewer ejector pump conditionally\* Pump must be specified on the plan. Reid will provide a spec to attach to the current plan.

**22 Trustees Ln (14-22.1)** (VLS plan, IWS application) – The Board reviewed the proposed additional (agricultural\*) well application and approved it conditionally\* Hold for the confirmation of the septic location, as it is and the distances to the existing well and the proposed one not identified on the plan.

**23 North Rd (3-12)** - (VLS plan, IWS application) – The Board reviewed the proposed replacement well application and approved it conditionally\* Must meet the 30`property line setback.

* **Updates & FYI:**

**74 Hammett Ln (8-37) –** The Health Admin/Inspector provided the update on the housing re-inspectionon April 28, 2023. . One of the two corrections required to be done within 24hr period was not done. Only one of multiple 7-day ordered corrections was done.  The Board will be reaching out for a recommendation to the town counsel on how to proceed in this situation.

* **Items not reasonably anticipated by the Chair at the time of posting**

**10 Molly’s Way (27.1 - 56) –** Reid Silvare-inspected the septic system installed by Sourati Engineering to confirmed all the units in the ground and that the treatment portion of the system was removed. The Health Inspector is to provide the letter to Deb Hancock reflecting that no further action is necessary.

**Homeport Restaurant (27.1 - 84 & 85) Plan Review** While the plan review was not on the agenda, the Board of Health Administrator encouraged the owner to come in and present their ideas to the Board. Matt Poole provided the following recommendations:

* Manholes – replace the steel ones with screw down plastic covers
* Concrete risers –replace with plastic, which can be cut to custom height

The Board went over the allowed seating 142 total seats, with 74 indoors & 68 outdoors, (35 gallons per seating per day for full service seats)

**Back Door intent:** 12-3pm open for lunch take out and patio use, 3-9 pm take out only

**Full Service intent:** 5-10pm full service seated dinners

Plan review included changes as:

* Proposed outdoor service on the patio
* Proposed additional exit door to the patio
* Proposed 24\*18 self containing hand washing sink – Need to check if permissible by the plumbing code to be used inside of the building
* Replacement of the equipment: 48` back bar cooler 24` deep, 24 ice bin 24\*18, 3-door pizza prep unit 93`, excellence ice cream cabinet freezer, turbofan electric convection oven, 3 door 93` worktop refrigerator, 67` mega top refrigerator

The Board decided to continue plan review during the next scheduled meeting on May 17, 2023 at 5:45pm.

**“Menemsha Trash” / Recycling dividends** TheHealth Administrator provided the update that the town has$7300 available under the recycling current grant funds. The Board members supported the idea of buying stainless steel take-out containers from Island Eats and donating to the town food establishments in Menemsha. Jan Buhrman voiced the idea of putting together the committee, including business owners in Menemsha that can brainstorm more on the issue of the excessive amounts of trash. The Board supported the idea; Jan Buhrman also offered to work on moving along on the idea of having a water bubbler in Menemsha and the Town Hall. Jan will reach out to Signe Benjamin at Vineyard Conservation Commission to talk about this.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Katherine L. Carroll, Chair Matthew Poole Janet L. Buhrman

Chilmark Board of Health Chilmark Board of Health Chilmark Board of Health